

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Kuttler et al.

Appln. No.: 10/596,791

Filed: March 9, 2008

Title: CONTROL OF THE DEGRADATION  
OF BIODEGRADABLE IMPLANTS  
USING A COATING

Confirmation No.: 1489

Group Art Unit: 1617

Examiner: Audrea Buckley

Atty. Docket No.: 149459-110070

Customer No.: 25207

Submitted: May 24, 2011

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE AFTER FINAL

Sir:

In response to the final Office Action of March 9, 2011, please amend the above-identified application as follows:

**Status** is on page 2.

**Summary of USPTO Fees** begins on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments/Conclusion** begin on page 8 of this paper.

## STATUS OF APPLICATION PRIOR TO AMENDMENT

The above-captioned patent application is pending.

Claims 1-11 were pending in the application.

Claims 7, 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1-7, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526).

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526) and further in view of Andersen (U.S. Patent No. 5,360,440).

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526) and further in view of Pinchuk (U.S. Patent No. 5,575,818).

Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

# **SUMMARY OF USPTO FEES ENCLOSED HEREWITH**

## **Excess Claims Fees**

Previously Paid For		After Present Amendment	
Total Claims	Independent	Total Claims	Independent
20	3	18	1
Fee Due:		(0 @ \$52) \$0	(0 @ \$220) \$0

Entity status: Large

Total Excess Claims Fee Due: \$0

## **Authorization to Charge Fees**

It is believed that no fees are due. However, the Commissioner for Patents is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-4913.